

Serial: 174690

IN THE SUPREME COURT OF MISSISSIPPI

No. 2012-IA-00166-SCT

FILED

FEB 01 2012

*IN RE: CHARLES HOOKER, DAVID GATLIN,
NATHAN KERN AND ANTHONY MCCRAY*

SUPREME COURT CLERK

ORDER

This matter is before the Court en banc on the Petition of Charles Hooker, David Gatlin, Nathan Kern and Anthony McCray for Writ of Prohibition and/or Mandamus, or, Alternatively, for Permission to Appeal Interlocutory Orders. Also before the Court is the joinder and request for Immediate Stay and Order for Release From Custody filed by Kirby Tate. Also before the Court is the Petition of Katherine Robertson For Writ of Prohibition and/or Mandamus and Emergency Stay and the Petition of Aaron Brown for Writ of Prohibition and/or Mandamus and Emergency Stay. After due consideration, the Court finds that all petitions and requests should be considered petitions for interlocutory appeal and that permission to appeal the interlocutory orders should be granted and this matter advanced on the Court's docket.

IT IS THEREFORE ORDERED that the Petition of Charles Hooker, David Gatlin, Nathan Kern and Anthony McCray for Permission to Appeal Interlocutory Orders, the Request for Immediate Stay and Order for Release From Custody filed by Kirby Tate, the Petition of Katherine Robertson For Writ of Prohibition and/or Mandamus and Emergency Stay and the Petition of Aaron Brown for Writ of Prohibition and/or Mandamus and Emergency Stay, now considered petitions for interlocutory appeal, are hereby granted; the record and the transcript of all proceedings shall be filed with the Clerk of this Court on or before Tuesday, February 7, 2012; the parties shall file with the Clerk and serve the original and nine copies of simultaneous briefs and record excerpts by 1:00 P.M., on Tuesday, February 7, 2012; there will be no reply brief; and, upon

entry of this order, the Clerk of this Court shall give all counsel, the trial court clerk and the court reporter notice by telephone of the entry of this order. The parties are further ordered to appear for oral argument on Thursday, February 9, 2012 at 9:00 A.M.

IT IS FURTHER ORDERED that all proceedings in the case styled "Jim Hood, Attorney General for the State of Mississippi, ex rel, the State of Mississippi v. Christopher Epps, in his Official Capacity as Commissioner of the Mississippi Department of Corrections; Nathan Kern; David Gatlin; Aaron Brown; Joshua L. Howard; Azikiwe Kambule; and John or Jane Does 1-200," Cause No. 251-12-00033 in the Circuit Court of Hinds County, Mississippi First Judicial District, are hereby stayed until further order of this Court.

IT IS FURTHER ORDERED that the Order Extending Temporary Restraining Order entered by the Circuit Court of Hinds County on January 26, 2012 shall remain in effect until further order of this Court.

SO ORDERED, this the 1st day of February, 2012.

A handwritten signature in black ink, appearing to read "William L. Waller, Jr.", is written over a horizontal line.

WILLIAM L. WALLER, JR., CHIEF JUSTICE
FOR THE COURT

TO GRANT: ALL JUSTICES.